

APPEAL NO. 041647
FILED AUGUST 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 16, 2004. The hearing officer determined that the appellant (claimant) is not entitled to reimbursement for travel expenses for medical treatment at the direction of Dr. S. The claimant appeals this determination. The appeal file contains no response from the respondent (self-insured).

DECISION

Affirmed.

The evidence reflects that the claimant resides in (city 1), Texas, and that medical treatment for the claimant's compensable injury was not reasonably available within 20 miles of city 1. The claimant received treatment from Dr. S, whose practice is located in (city 2), which is approximately 148 miles from city 1. The hearing officer found that reasonable medical treatment was available in (city 3), which is approximately 60 miles from city 1, and, therefore, the claimant is not entitled to reimbursement for travel expenses for medical treatment at the direction of Dr. S.

Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6) provides that, when it becomes reasonably necessary for an injured employee to travel in order to obtain appropriate and necessary medical care for the injured employee's compensable injury, the reasonable cost shall be paid by the insurance carrier, and that reimbursement shall be based on guidelines, which include that if the mileage shall be greater than 20 miles, one way, the injured employee is entitled to travel reimbursement. On appeal, the claimant argues that Rule 134.6 does not require that a claimant travel to the closest location where he can receive medical care and since it is undisputed that he could not receive treatment for his injury in city 1, he should be entitled to reimbursement for the travel made to city 2. The Appeals Panel considered and rejected this argument in Texas Workers' Compensation Commission Appeal No. 010878, decided May 23, 2001. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **a governmental entity that self-insures, either individually, or collectively through the Texas Association of School Boards Risk Management Fund** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge